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Attorneys for Defendant Bank of America, National  
Association

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

STEVE-ANN MUIR, for herself and all  
others similarly situated,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC;  
WELLS FARGO BANK, N.A.;  
BANK OF AMERICA, NATIONAL  
ASSOCIATION; FIRST  
ADVANTAGE BACKGROUND  
SERVICES CORP.; and JOHN DOES  
1-10,

Defendants.

**CIVIL ACTION NO. 2:16-cv-  
00521-SRC-CLW**

**DEFENDANT BANK OF  
AMERICA, N. A.'S NOTICE OF  
MOTION TO DISMISS COUNT X  
OF THE COMPLAINT UNDER  
FED. R. CIV. P. 12(b)(6)**

**ORAL ARGUMENT REQUESTED**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 16, 2016, Defendant Bank of  
America, National Association ("Bank of America"), by and through their  
undersigned counsel, will move before the Honorable Stanley R. Chesler, United

States District Judge, for entry of an order under Federal Rules of Civil Procedure 12(b)(6) dismissing Count X of Plaintiff Steve-Ann Muir's Complaint for failure to state a claim on which relief may be granted. Bank of America requests oral argument.

Bank of America's Motion is based on this Notice, Brief in Support of Bank of America's Motion to Dismiss Count X of the Complaint, matters of which judicial notice may be taken, and such other evidence and argument that the Court may receive. A proposed form of Order is also submitted herewith.

Dated: April 18, 2016  
New York, NY

Respectfully submitted,

By: /s/ Allen W. Burton  
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*Attorneys for Defendant Bank of America,  
N.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's CM/ECF system on this 18th day of April, 2016.

O'MELVENY & MYERS LLP

By: /s/ Allen W. Burton  
Allen W. Burton